



June 3, 1997

Publication: SR-13-Empl./Labor

Women and Comp Time

GOP Bill Cuts Women's Options and Pay

DPC Staff Contacts: Kim Koivisto,
Debra Silimeo (202-224-3232)

Democratic Policy Committee
United States Senate
Washington, D.C. 20510-7050

Tom Daschle, Chairman
Harry Reid, Co-Chairman



Women and Comp Time

The GOP Rhetoric: Family-Friendly. In a dubious attempt to redefine their image as “family and women friendly,” Republicans have introduced the “*Family Friendly Workplace Act*.” Republicans claim their bill will usher in a new era of flexibility for working women as they continue to juggle the competing demands of work and family. But close analysis of the bill clearly shows that instead of giving flexibility to working women, the Republican bill gives new flexibility to employers. The GOP bill abolishes the 40-hour work week and leaves comp time decisions up to employers. Under the GOP plan, workers actually could lose protections they now have. The Republican comp time bill would *harm*, not help working women and their families.

The Democratic Alternative: Real Flexibility. Democrats have offered an alternative that gives real flexibility and real protection to working women and their families. Democrats recognize and support working women’s desire for more flexibility, the need for more control over their work schedules, and the fact that many families depend on overtime pay to survive. But most importantly, Democrats understand that working women, not their bosses, should choose if, when and how they take and use comp time.

Women are Disproportionately Affected

The GOP comp time bill would place new pressures on hourly workers — most of whom are women — to give up overtime pay on which they rely. And it would give employers even more control over workers’ schedules.

- 56 percent of hourly workers are women.
- Nearly 60 percent of those earning minimum wage are women.
- More than 80 percent of overtime recipients have annual earnings of less than \$28,000 per year.
- 61 percent earn \$20,000 per year or less.
- 44 percent of workers who *depend* on overtime earn \$16,000 per year or less.

Women Lose Under GOP Comp Time Scheme

Hourly Workers Lose Overtime Pay

- 56% of Hourly Workers are Women
- 60% of Minimum Wage Workers are Women

***80% of Overtime Workers
Earn Less Than \$28,000 per Year***



Women Need Real Flexibility, Not Rhetoric

Women are far more likely to have competing demands on their time due to the combination of work and family responsibilities. These women need more control over their work schedules, not less.

Women also earn less than men, on average only 71 cents for every dollar earned by men. Many women who depend on overtime pay to make ends meet could lose this income under the GOP plan.

Women who have carefully examined the Republican comp time bill strongly oppose it.

Six national women's organizations, representing hundreds of thousands of working women, sent a letter to Senate Leaders Lott and **Daschle** strongly opposing the Republican comp time bill. The letter reads, "We believe passage of **S.4**, the *Family Friendly Workplace Act*, fails to offer real flexibility to the working women it purports to help while offering a substantial windfall to employers... Without strong protections for workers, the comp time bill will cut women's options and women's pay."

The letter was signed by 9-to-5—the National Association of Working Women; the American Nurses Association; Business and Professional Women USA; the National Council of Jewish Women; the National Women's Law Center; and the Women's Legal Defense Fund. (5/30/97)

As Ellen Bravo of 9-to-5—the National Association of Working Women, puts it:

"I wish George Orwell [was] around to hand out Doublespeak Awards. In his name, I'd like to present one to the sponsors of the Family Friendly Workplace Act...Business lobbyists and some lawmakers have been trying to get rid of overtime pay for years...this bill will weaken, not strengthen, employee options." (Opinion Piece 3/19/97)

The Women's Legal Defense Fund testified:

"The Family Friendly Workplace Act is not about the real flexibility that working women need in their struggle to meet responsibilities at work and at home. Instead, it gives employees less control over both their time and their paychecks, creating new risks and problems."

*"**S.4** gives the employer—not the employee—the 'flexibility' to decide when and even whether an employee can use her earned comp time or flexible credit hours."* (Donna Lenhoff, General Counsel, WLDF, Statement before Senate Subcommittee on Employment and Training, Labor Committee 2/13/97)

The National Women's Law Center says the House GOP comp time bill will not help working families, it will hurt them:

"Clever packaging of bad legislation will not fool the women of this country...this legislation would result in less overtime pay for women and men who depend on overtime pay to support themselves and their families....and the bill would not address the pressing needs of working women...since workers would have no control whatsoever over their actual use of earned comp time." (Press Release 3/5/97)

Business and Professional Women USA says the GOP version of comp time:

"...offers only an empty promise of flexibility for workers—flexibility that rests primarily with employers, not employees." (Press release 3/5/97)

The American Nurses Association says:

"S.4 would expose the employee to potential abuse and lead to an erosion of the overall protections afforded employees under the Fair Labor Standards Act....True workplace flexibility does not seek to undermine the forty-hour work week and the right to overtime pay." (ANA statement 5/13/97)

How the GOP scheme would work:

Jane Doer works as a seamstress and is a mother of two children. Jane normally works 50 hours a week and her ten hours a week of overtime pay help pay her rent, utility and telephone bills each month. Without the overtime pay, she would be unable to make ends meet. Under the GOP bill, employees who request to be paid for overtime may be penalized. The bill would permit employers, like Jane's boss, to grant overtime hours only to employees who accept comp time in lieu of overtime pay. In other words, Jane no longer would receive overtime hours, because she wants overtime pay in cash instead of comp time. Or, she may be forced to accept comp time for the overtime pay she really needs.

OR

Jane Doer's work schedule would be changed dramatically if her boss implemented the 80-hour bi-weekly work schedule. Jane could be required to work from 8 a.m. until midnight, Monday through Friday, without being paid overtime. Jane would work sixteen hours a day for five consecutive days and then receive the next five work days off. Under this schedule, Jane would find it extremely challenging to find adequate child care for her two children into the late hours of the evening five nights a week, and could find it nearly impossible to pay for. Jane's family routine would be disrupted, as she would no longer be able to help her children with their homework each night or coach her daughter's soccer team.

Democrats Protect Worker Choices and Pay

Senate Democrats have proposed an alternative to the GOP comp time bill that gives workers real flexibility and real protection. The proposal, sponsored by Senators **Baucus**, **Kerrey** and **Landrieu**, ensures that:

- workers decide whether to take overtime pay or comp time and when to use their comp time;
- overtime pay and benefits are protected; and
- the 40-hour work week is preserved.

Senator **Max Baucus** (D-MT) said in introducing the Democratic alternative,

“This bill allows moms and dads to either punch the clock or play with their kids.... The bottom-line is this bill gives workers a choice.”

Senator **Bob Kerrey** (D-NE) said,

“I want employees to be able to choose time off instead of overtime so they can spend more time with their families — but I want the employees to make the choice, not their bosses.”

Senator **Mary Landreiu** (D-LA), pointed out,

*“The comp time bill proposed by Senator Ashcroft (R-MO) would roll back some of the protections that have been guaranteed to workers for over 60 years under the Fair Labor Standards Act. For example, the bill would do away with the 40-hour work week. It would replace that time-honored system with an 80-hour, two week system. Under Senator Ashcroft’s plan, if you work 60 hours in the first week, you would not qualify for overtime. That simply isn’t fair. ... I have joined Senators **Baucus** and **Kerrey** to create an alternative which will give workers true choice and flexibility. To us, that is the right choice for America’s workers and families.”*

Senator **Tom Daschle** said,

“We want to ensure that the choice is every bit as much the employee’s as it is the employer’s. And the one way you can do that, in a way that I think most employees would accept, is to say, look, an employee, in all circumstances involving hours after 40 in any given week, would be given the option of either time-and-a-half in pay or in time off. That would protect them. But our Republican colleagues are unwilling to do that.”

Democrats have proposed a solution that really meets the needs of working women and their families.

Which Plan Offers Real Flexibility?	Democratic Proposal	Republican "Family Friendly Workplace Act"
Will employees be forced to take comp time instead of overtime pay?	✓ Employers cannot discriminate in offering comp time or overtime plans.	✗ No comparable provisions.
Who decides when comp time could be used?	<ul style="list-style-type: none"> ✓ Employees may use comp time for family and medical leave reasons whenever they need it. ✓ Employees could use comp time with two weeks notice for any purpose. ✓ Comp time could be used with less notice if the employer is not "unduly disrupted". 	✗ Employer may deny the use of comp time, regardless of the employee's needs by claiming use would "unduly disrupt" business.
Will employees be forced to accept a pay cut?	✓ Preserves overtime for hours worked over 40 in one week.	✗ Bi-weekly and flexible credit hour schedules would allow employers to avoid paying overtime for hours worked beyond 40 per week.
Will employees be forced to work 80 hour weeks?	✓ Employers may not intimidate, threaten, or coerce employees into participating in a biweekly or flexible credit hour program.	✗ No comparable provisions.
Are employee's benefits protected?	<ul style="list-style-type: none"> ✓ Comp time is treated as hours worked in calculating retirement and health benefits. ✓ Comp time could not be used to replace or substitute for vacation or sick leave plans. 	<ul style="list-style-type: none"> ✗ Allows employers to exclude comp time hours as hours worked in calculating employee's health and retirement benefits. ✗ Comp time could replace vacation and sick leave benefits.
Would comp time really be time off?	<ul style="list-style-type: none"> ✓ Comp time would be treated as hours worked. ✓ Hours worked beyond 40 per week would earn overtime. 	✗ Employer would not have to count comp time hours as hours worked and therefore could force an employee to "make up" for using comp time by working longer days or coming in on weekends without earning overtime for it.
Will employees still be able to earn overtime?	✓ Preserves overtime for hours worked over 40 in one week.	Biweekly Work Schedule <ul style="list-style-type: none"> ✗ Eliminates the 40-hour weekly overtime standard. ✗ Overtime pay would be earned only for hours worked beyond 80 hours in a two-week period. Employees could be forced to work up to 80 hours in one week with no overtime pay or comp time.
	✓ Preserves overtime for hours worked over 40 in a week.	Flexible Credit Hour Schedule <ul style="list-style-type: none"> ✗ Hours worked over 40 in a week could be considered flexible credit hours, which are earned on hour for hour basis, not time and a half.